



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,905	03/07/2006	Paul B. Stoepfelwerth	1901-003 US	1643
52245 7590 01/14/2008 PARKS KNOWLTON - PK001 1117 PERIMETER CENTER WEST SUITE E402 ATLANTA, GA 30338			EXAMINER ESTRADA, ANGEL R	
			ART UNIT 2831	PAPER NUMBER
			MAIL DATE 01/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/570,905	Applicant(s) STOEPPELWERTH, PAUL B.	
	Examiner Angel R. Estrada	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/7/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed March 7, 2006 has been considered by the Examiner.

Priority

2. The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 60/549714, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. Accordingly, claims 15-31 are not entitled to the benefit of the priority day.

Double Patenting

3. Applicant is advised that should claims 15-20 be found allowable, claims 21-26 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing

one claim to object to the other as being a substantial duplicate of the allowed claim.

See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

4 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated Dorn (US 4,944,694).

Regarding claim 29, Dorn discloses a. portable power outlet protection system (see figure 1), comprising: a manifold (2) comprising a first portion and a second portion (see figure 1); at least one power outlet (12) located within said manifold (2); and, a child-resistant means (8) for securing said portions in a closed position (see figure 1).

Regarding claim 30, Dorn discloses the system (see figure 1), further comprising means for gathering and storing electrical cord within said manifold (see figure 1).

5. Claims 29-31 are rejected under 35 U.S.C. 102(e) as being anticipated Broyles (US 2006/0065422)

Regarding claim 29, Broyles discloses a portable power outlet protection system (see figure 1), comprising: a manifold (1) comprising a first portion (11-13) and a second portion (9); at least one power outlet (12) located within said manifold (1); and, a child-resistant means (5) for securing said portions in a closed position (see figure 1).

Regarding claim 30, Broyles discloses the system (see figure 1), further comprising means for gathering and storing electrical cord within said manifold (see figure 1).

Regarding claim 31, Broyles discloses the system (see figure 1), wherein said manifold (see figure 1) further comprises means for skid-resistance (10).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorn (US 4,944,694).

Regarding claim 15, Dorn discloses a portable power outlet protection system (see figure 1), comprising: a manifold (2) comprising a first portion and a second portion (see figure 1); means (8) for securing said portions in a closed position (see figure 1); at

least one power outlet (12) positioned within said manifold (2); but Dorn lacks at least a part of said manifold is constructed of fire-resistant material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make at least one part of said manifold constructed of fire resistant material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 227 F.2d, 125 USPQ 416 (CCPA 1960).

Regarding claim 21, Dorn discloses a portable power outlet protection system (see figure 1), comprising: a manifold (2) comprising a first portion and a second portion (see figure 1); at least one power outlet (12) located within said manifold (2); a child-resistant means (8) for securing said portions in a closed position; but Dorn lacks at least a part of said manifold is constructed of fire-resistant material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make at least one part of said manifold constructed of fire resistant material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 227 F.2d, 125 USPQ 416 (CCPA 1960).

Regarding claim 27, Dorn discloses a method for protecting a portable power strip (see figure 1), comprising the steps of: acquiring a manifold (2) having: a first portion; a second portion releasably attached to said first portion (see figure 1) wherein said portions define an interior (see figure 1); and a power strip (12) with surge protection located within said interior; and plugging at least one electrical cord into said

power outlet (see figure 1); but Dorn lacks at least a part of said manifold is constructed of fire-resistant material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make at least one part of said manifold constructed of fire resistant material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 227 F.2d, 125 USPQ 416 (CCPA 1960).

7. Claims 15-28 are rejected under 35 U.S.C. 103(a) as being unpatentable Broyles (US 2006/0065422).

Regarding claim 15, Broyles discloses a portable power outlet protection system (see figure 1), comprising: a manifold (see figure 3) comprising a first portion (11-13) and a second portion (9); means (5) for securing said portions in a closed position (see figure 1); at least one power outlet (see figures 1 and 6) positioned within said manifold (see figure 1); but Broyles lacks at least a part of said manifold is constructed of fire-resistant material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make at least one part of said manifold constructed of fire resistant material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 227 F.2d, 125 USPQ 416 (CCPA 1960).

Regarding claim 16, Broyles discloses the system (see figure 1), wherein said manifold (see figure 1) further comprises means for skid-resistance (10).

Regarding claim 17, Broyles discloses the system (see figure 1), wherein said manifold (see figure 1) further comprises at least one ventilation aperture (6).

Regarding claim 18, Broyles discloses the system (see figure 1), wherein said manifold (see figure 1) further comprises at least one conduit aperture (6).

Regarding claim 19, Broyles discloses the system (see figure 1), comprising means (see figure 1) for gathering and storing electrical cord within said manifold (see figure 1).

Regarding claim 20, Broyles discloses the system (see figure 1), further comprising means (see figure 1) for attaching said outlet to the interior of said manifold (see figure 1).

Regarding claim 21, Broyles discloses a portable power outlet protection system (see figure 1), comprising: a manifold (see figure 1) comprising a first portion (11-13) and a second portion (9); at least one power outlet (see figures 1 and 6) located within said manifold; a child-resistant means (5) for securing said portions in a closed position; but Broyles lacks at least a part of said manifold is constructed of fire-resistant material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make at least one part of said manifold constructed of fire resistant material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 227 F.2d, 125 USPQ 416 (CCPA 1960).

Regarding claim 22, Broyles discloses the system (see figure 1), wherein said manifold (see figure 1) further comprises means for skid-resistance (10).

Regarding claim 23, Broyles discloses the system (see figure 1), wherein said manifold (see figure 1) further comprises at least one ventilation aperture (6).

Regarding claim 24, Broyles discloses the system (see figure 1), wherein said manifold (see figure 1) further comprises at least one conduit aperture (6).

Regarding claim 25, Broyles discloses the system (see figure 1), comprising means (see figure 1) for gathering and storing electrical cord within said manifold (see figure 1).

Regarding claim 26, Broyles discloses the system (see figure 1), further comprising means (see figure 1) for attaching said outlet to the interior of said manifold (see figure 1).

Regarding claim 27, Broyles discloses a method for protecting a portable power strip (see figure 1), comprising the steps of: acquiring a manifold having: a first portion (11-13); a second portion (9) releasably attached to said first portion (11-13) wherein said portions define an interior (see figure 1); and a power strip (see figures 1 and 6) with surge protection located within said interior; and plugging at least one electrical cord into said power outlet (see figure 1); but Broyles lacks at least a part of said manifold is constructed of fire-resistant material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make at least one part of said manifold constructed of fire resistant material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of

its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 227 F.2d, 125 USPQ 416 (CCPA 1960).

Regarding claim 28, Broyles discloses the method (see figure 1), further comprising the step of providing a child-resistant means (5) for securing said portions in a closed position (see figure 1).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Horton (US 1,396,434), Solet (US 7,038,126), Soderberg (US 2,763,707), Rosenthal et al (US 7,025,627) and Nevins (US 6,844,494) disclose an apparatus for storing and protecting conduits

9. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Application/Control Number:
10/570,905
Art Unit: 2831

Page 10

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) OR 571-272-1000.

December 28, 2007

A handwritten signature in black ink, appearing to read "A. Estrada", is written over a horizontal line.

Angel R. Estrada
Primary Examiner
Art Unit: 2831